

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Adv. Pro. No. 08-01789 (CGM)

Plaintiff-Applicant,

SIPA Liquidation

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

(Substantively Consolidated)

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the
Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities
LLC and the Chapter 7 Estate of Bernard L.
Madoff,

Adv. Pro. No. 12-01697 (CGM)

Plaintiff,

v.

ABN AMRO RETAINED NOMINEES (IOM)
LIMITED, f/k/a ABN AMRO Fund Services
(Isle of Man) Nominees, and f/k/a Fortis (Isle
of Man) Nominees Limited, and PLATINUM
ALL WEATHER FUND LIMITED,

Defendants.

**DECLARATION OF ELIZABETH G. MCCURRACH
IN SUPPORT OF TRUSTEE'S MEMORANDUM OF LAW IN OPPOSITION TO
DEFENDANT PLATINUM ALL WEATHER FUND LIMITED'S MOTION TO DISMISS**

I, Elizabeth G. McCurrach, declare the following:

1. I am a member of the New York Bar and counsel with the law firm of Baker & Hostetler LLP, counsel to Irving H. Picard (the “Trustee”), as Trustee for the substantively consolidated liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa-*III*, and the chapter 7 estate of Bernard L. Madoff.

2. I submit this Declaration in support of the Trustee’s Memorandum of Law in Opposition to Defendant Platinum All Weather Fund Limited’s (“Platinum”) Motion to Dismiss.

3. The documents attached to this Declaration are from various productions made to the Trustee. The Trustee’s records indicate that the producing parties have de-designated the documents as not confidential under the Litigation Protective Order entered in this liquidation. *See SIPC v. BLMIS (In re BLMIS)*, Adv. Pro. No. 08-01789 (CGM) (Bankr. S.D.N.Y June 6, 2011 & Sept. 17, 2013), ECF Nos. 4137 & 5474. To the extent applicable, all personally identifiable information has been redacted.

4. Attached as **Exhibit 1** is a true and correct copy of a call log dated June 25, 2003, wherein Platinum was informed that that the Fairfield Sentry Limited “is actually a feeder fund into Madoff.” (IVYSAM0000513).

5. Attached as **Exhibit 2** is a true and correct copy of the Fairfield Sentry Limited Private Place Memorandum dated August 14, 2006. (SECSEV3005218).

6. Attached as **Exhibit 3** is a true and correct copy of marketing materials Platinum presented to potential investors. (SECSEV1747558).

7. Attached as **Exhibit 4** is a true and correct copy of email correspondence between Fairfield Greenwich Group employees dated November 20, 2006 and November 21, 2006) informing each other of Platinum's investment into Fairfield Sentry Limited. (SECSEV0752366).

8. Attached as **Exhibit 5** is a true and correct copy of email correspondence between Platinum employees and Fairfield Greenwich Group employees, dated April 10, 2007, confirming a planned meeting in Manhattan, New York between Christopher Streit of Platinum and Scott Nevin, Andrew Smith, and Charles Frumberg of Fairfield Greenwich Group. (SECSEV1482950).

9. Attached as **Exhibit 6** is a true and correct copy of email correspondence between Platinum employees dated June 30, 2008 and September 26, 2008, discussing BLMIS financing. (TGH-EMAIL-00523980).

Pursuant to 28 U.S.C. § 1746, I hereby declare under penalty of perjury that the foregoing statements made by me are true and correct.

Dated: March 13, 2023
New York, New York

Respectfully submitted,

BAKER & HOSTETLER LLP

By: /s/ Elizabeth G. McCurrach
Elizabeth G. McCurrach